

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and following remarks is respectfully requested.

Claims 1-20 are pending in this application. By this amendment, Claims 1 and 11 have been amended. Support for this amendment is found, by way of non-limiting example, in the specification from page 92 line 20 to page 93 line 5. Accordingly, it is respectfully submitted that no new matter has been added.

In the outstanding Office Action, Claims 1-6, 8-16 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Utsumi et al. (U.S. Patent Application Publication No. 2001/0032088 A1, hereinafter “Utsumi”) in view of Kumagai (U.S. Patent No. 6,512,722 B2); and Claims 7 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Utsumi in view of Kumagai and further in view of Matsushima et al. (U.S. Patent Application Publication No. 2002/0161571 A1, hereinafter “Matsushima”).

Independent Claims 1 and 11 recite “transferring content data selected from a first recording medium on which a plurality of content data have been recorded to a second recording medium different from the first recording medium.”

Claim 1 further recites:

a recording and reproducing apparatus configured to reproduce various types of recording medium identification information unique to the second recording medium including machine identification data and recording content data transferred from the first recording medium to the second recording medium;

a first set creating device configured to create a first set, the first set being used to correlate the recording medium identification information with a second set, the second set being used to categorize the content data recorded on the first recording medium in accordance with a predetermined rule;

a second set creating device configured to create the second set correlated with the first set.

Claim 11 further recites:

receiving various types of recording medium identification information unique to the second recording medium including machine identification data from which data is reproduced by the recording and reproducing apparatus;

creating a second set correlated with a first set in accordance with the recording medium identification information reproduced from the second recording medium, the first set being used to correlate the recording medium identification information with the second set, the second set being used to categorize the content data recorded on the first recording medium in accordance with a predetermined rule.

It is respectfully submitted that these features are neither disclosed by nor rendered obvious by Utsumi, Kumagai, Matsushima or any conceivable combination thereof.

Utsumi describes with respect to Fig. 1 “a first storage medium 10, a drive 20, and a second storage medium 30.”¹ Utsumi adds “it is necessary for each of them to have the media ID for identifying the storage medium.”² Utsumi further describes “[a]s shown in Fig. 2, contents stored in the user area 13 of the first storage medium 10 have been stored in form of encryption by a key 1, which has been stored in the secure area 12 together with use information 41 in form of encryption by a key 2 consisting of the media ID of the first storage medium 10, the key 2 being stored in the MID area 11.”³ Utsumi further states:

In Fig. 6 there is shown a computer system 70 for contents management and two computer systems 80 and 90 which are for using contents. Those three computer systems 70, 80 and 90 are connected via communication line 200 to one another. Each of those computer systems 70, 80 and 90 has a similar structure to that of the computer systems 50 shown in Fig. 3.⁴

That is, Utsumi describes media ID which is unique to each individual storage medium⁵ but, describes similar computer systems utilizing the storage mediums. Therefore, Utsumi fails to

¹ Paragraph [0033].

² Id.

³ Paragraph [0042].

⁴ Paragraphs [0107] and [0108].

⁵ Paragraph [0033].

describe various types of recording medium identification information unique to the second recording medium including machine identification data as recited in Claims 1 and 11. Rather, because each of the computer systems 70, 80 and 90 have similar structure, there is no reason for Utsumi to include machine identification data.

Kumagai fails to correct the deficiencies of Utsumi described above. Kumagai describes a method and apparatus to enable a user to easily make a search with respect to a large amount of music data copied and stored from CDs in a built-in recording medium.⁶ Kumagai utilizes “identification information of data stored in the first storage medium.”⁷ Kumagai further utilizes “identification information of data stored in a second storage medium.”⁸ Kumagai fails to describe various types of recording medium identification information unique to the second recording medium including machine identification data as recited in Claims 1 and 11.

Matsushima fails to correct the deficiencies of Utsumi or Kumagai pointed out above. Matsushima describes a management apparatus that stores pairs of copyrighted contents and numbers of permitted checkouts. Matsushima describes editing audio objects corresponding to a content in the memory, assigning a content ID to the audio object, and decrementing a corresponding number of permitted checkouts. Therefore, Matsushima fails to describe various types of recording medium identification information unique to the second recording medium including machine identification data as recited in Claims 1 and 11.

The Office Action goes on to assert that Kumagai teaches:

first set creating means for creating a first set {Table Of Contents information/file management table} (Figs. 13 & 15), the first set being used to correlate the recording medium identification information with a second set [Table Of Contents information out of the CD 55], the second set [Table Of Contents information out of the CD 55] being used to

⁶ Abstract.

⁷ Column 3, lines 1-2, 11-12 and 47-48.

⁸ Column 3, lines 61-62.

categorize the content data recorded on the first recording medium in accordance with a predetermined rule (col 23, lines 45-63; col 24, lines 16-23; col 25, lines 20-24).

Applicant respectfully disagrees.

Kumagai describes identification information stored in a storage medium, additional information corresponding to the identification information read out of a storage medium based on the identification information, and, that based on the stored additional information a search can be made on the data or the identification information stored in the storage medium.⁹ Kumagai describes more specifically a CD album information database constructed in the form of a table including the name of a singer, the title of an album, the number of total tracks, the time of each track, the title of each track, and the jacket image.¹⁰ Kumagai states “[a]fter the recording of the CD album information in the HDD 10, a management database is created which includes the CD album information supplied from the CD-ROM 310 and the music data played back from the CD 55 and recorded in the HDD in a correlated manner.”¹¹ That is, the table of contents information/file management table asserted in the Office Action to correspond to the claimed first set and the table of contents information out of the CD 55 stated in the Office Action to correspond to the claimed second set is identification information unique to the recorded content not to the second recording medium including machine identification data as recited in Claims 1 and 11. Therefore, it is respectfully submitted that the combination of Utsumi and Kumagai fails to describe or render obvious Claims 1 and 11.

It is respectfully submitted that Claims 2-10 and 12-20 are patentable at least for the reasons argued above with regard to the claims from which they depend.

⁹ Column 4, lines 5-33.

¹⁰ Column 23, lines 55-63.

¹¹ Column 25, lines 20-24.

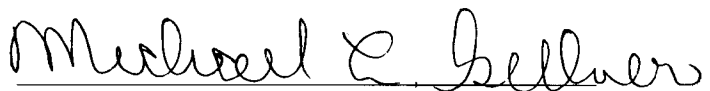
Accordingly, it is respectfully requested that the rejections of Claims 1-20 be reconsidered and withdrawn, and that Claims 1-20 be found allowable.

Consequently, for the reasons discussed in detail above no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in event better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Michael L. Gellner
Registration No. 27,256